IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 18TH AUGUST 2006 / 27TH SRAVANA 1928

Bail Appl..No. 4782 of 2006

---

CMP.4985/2006 of J.M.F.C.-I,KARUNAGAPPALLY
CRIME NO. 72/2006 OF KARUNAGAPPALLY EXCISE RANGE

.....

PETITIONER/ACCUSED

---

ROHINI KUTTY, AGED 63 YEARS,
D/O.VELUMPI, PUTHENKANDATHIL,
KADATHOOR MURI, THAZHAVA VILLAGE,
KARUNAGAPPALLY.

BY ADV. SRI.B.HARISH KUMAR

RESPONDENTS: COMPLAINANT

---

STATE OF KERALA, REPRESENTED BY
THE EXCISE-INSPECTOR OF KARUNAGAPPALLY EXCISE
RANGE, KARUNAGAPPALLY, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**J.M.JAMES, J.**

**----------**

**B.A. 4782/2006**

**----------**

**DATED THIS THE 18TH DAY OF AUGUST, 2006**

**O R D E R**

The petitioner is accused in C.R.No.72/2006 of Karunagappally Excise Range, for the offence punishable under Section 8(1) & 8(2) of the Abkari Act. The prosecution submitted that she could not be arrested, as there was no woman police constable at the time of the seizure of the contraband, seven liters of illicit arrack, on 6.4.2006. The materials produced before me, however, show that the petitioner is accused in another case, and she was released on bail in B.A.No.2979/2006 on 19.5.2006, as she was in judicial custody from 9.4.2006.

2. In the above facts situation, I direct the petitioner to surrender before the Investigating Officer of Karunagappally Excise Range, and the Investigating Officer shall interrogate the petitioner in the presence of a woman police/Excise officer, and produce her before the Court below, as per the law.

3. If any application for bail is preferred by the petitioner, it shall be considered by the learned Magistrate, taking into account the ailments of hypertension, heart disease, Bronchial Asthma etc, complained of by the petitioner, and submitted by the learned counsel before this Court today, when the application came up for consideration. The orders on the bail application shall be passed on merit, on the date of production itself.

The application is disposed of as above.

**J.M.JAMES**
**JUDGE**

mrcs